

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on March 23, 2001 at 3:30 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Mike Halligan (D)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJ 25& HJ 33 3/2/01
Executive Action: HJ 25, HJ 33, HB 418, HB 315

HEARING ON HJ 25

Sponsor: REP. DICK HAINES, HD 63, MISSOULA

Proponents: Carol Lambert, Women Involved in Farm Economics
Al Kington, Montana Forest County Coalition
Cary Hegreberg, Montana Wood Products Association

Opponents: none

Opening Statement by Sponsor:

REP. DICK HAINES, HD 63, MISSOULA stated the intent of the resolution was to urge the federal government to salvage burned timber and restore the forest.

Proponents' Testimony:

Carol Lambert stated it is a shame to see Montana's natural resources go to waste. She said a program of this nature, would make the environment safer, healthier and the salvaged timber can be used.

Al Kington stated there is one billion feet of timber in roaded areas which needs to be cleaned up. This would help the environment as well as create jobs.

Cary Hegreberg stated wood manufacturers have been short of work and are almost closed. The timber in the forests can be salvaged and manufactured for a reasonable cost, although the burned timber is only good for about 18 months. This program should be expedited. He presented a fact sheet to the committee.

EXHIBIT (ags66a01)

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. RIC HOLDEN asked why a resolution would be needed in such a common sense matter.

Cary Hegenberg stated the resolution would assure the people who manage our forests that the people of Montana want to see burned timber used.

SEN. HOLDEN asked if there was a program being implemented presently.

Cary Hegenberg explained the opposition of environmental activists groups and stated the resolution would then help the government agencies steadfast in the resolve to salvage burned timber.

Closing by Sponsor:

REP. HAINES closed by stating if another fire goes through the already burned forest, the burned timber will cause a fire to

burn hotter. This will sterilize the seed source in the forest and also the ground. If this were to happen, it would be a greater environmental hazard. The intent of the resolution is to produce jobs and dollars while taking care of the environment.

EXECUTIVE ACTION ON HJ 25

Motion/Vote: SEN. HALLIGAN moved that HJ 25 BE CONCURRED IN.
Motion carried unanimously.

HEARING ON HJ 33

Sponsor: REP. KIM GILLAN, HD 11, BILLINGS

Proponents:

Carol Lambert, Women Involved in Farm Economics
Lorna Karn, Montana Farm Bureau Federation
Gloria Paladichuk, City of Glendive and Richland
Economy Development
REP. DONALD STEINBEISSER, HD 100, SIDNEY
Pam Langley, Montana Agricultural Business
Association
Ralph Peck, Montana Department of Agriculture
Barry "Spook" Stang, Montana Motor Carriers
Association
Mike Murphy, Montana Water Resource Association

Opponents: none

Opening Statement by Sponsor:

SEN. RIC HOLDEN opened the hearing for REP. KIM GILLAN, HD 11, BILLINGS stated the intent of the resolution was to provide assistance to sugar beet growers.

Proponents' Testimony:

Carol Lambert explained that sugar beet growers need help and stood in support of the resolution.

Lorna Karn stood in support of the resolution.

Gloria Paladichuk also expressed the importance of the sugar beet industry and supported the resolution. She also expressed support for REP. DONALD STEINBEISSER.

Pam Langley stated the impact of a bad sugar beet economy not only impacts the growers, but the main street businesses as well.

Ralph Peck stood in strong support of the bill.

Barry "Spook" Stang stated the resolution will also support the sugar beet hauling business.

Mike Murphy explained the sugar beet industry and the importance of this resolution to irrigators.

REP. KIM GILLAN, HD 11, BILLINGS stated the resolution sends a positive message to the sugar beet growers themselves. She noted sugar beet growers are alarmed about facing bankruptcy. Montana needs to invest in its own resources.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. HOLDEN questioned the sugar beet plant in Billings and its status on bankruptcy. He asked if the company was looking at an assistance from the Montana Board of Investments for a loan.

REP. GILLAN stated the company was looking at a financing package. The resolution is to urge the Board of Investments to proceed with the financing for the Billings plant.

Closing by Sponsor:

REP. GILLAN closed by explaining the importance of the industry.

EXECUTIVE ACTION ON HJ 33

Motion/Vote: **SEN. MCNUTT** moved that **HJ 33 BE CONCURRED IN. Motion carried unanimously.**

SEN. WALT MCNUTT noted he would carry the resolution on the floor.

EXECUTIVE ACTION ON HB 418

SEN. HOLDEN explained the role of a Legislative committee to Missoula Boy Scouts.

Doug Sternberg presented amendments for **SEN. LINDA NELSON HB041801.ads** and explained them. **EXHIBIT (ags66a02)** He also explained a Committee amendment requested by **SEN. HALLIGAN** regarding clarity of language of constructing and maintaining fences in a herd district. Amendment **HB041802.ads**. **EXHIBIT (ags66a03)**

Motion: **SEN. HALLIGAN** moved that **AMENDMENT HB041802.ADS BE ADOPTED.**

Discussion:

SEN. PETE EKEGREN questioned the reasoning for creating a herd district.

SEN. HALLIGAN stated a herd district is created to protect oneself from neighbors.

Doug Sternberg read the current statute which explain the process and rules for creation of a herd district.

SEN. HALLIGAN explained that **SEN. NELSON** was not supportive of the bill because in her case, she would need to fence her property either way.

SEN. HOLDEN questioned amendment number 3 where the sentences are broken in two. He clarified the people creating a herd district are responsible for the construction of fences, and after the fence is constructed the responsibility is joint between landowners and current statutes and anyone who annexes into the herd district is responsible to build new fences.

Vote: Motion **carried unanimously.**

Motion: **SEN. HALLIGAN** moved that **HB 418 BE CONCURRED IN AS AMENDED.**

Discussion:

SEN. HOLDEN questioned the issue of 55% of people signing a petition to annex into a herd district.

SEN. MCNUTT asked where the 55% figure came from.

SEN. HALLIGAN clarified the 55% came from existing law to create a herd district.

Doug Sternberg further explained the current statute.

SEN. HOLDEN stated since the creation of a herd district requires 55% of the landowners consent, the annexation requirement should be consistent with the "creation" statutes.

Vote: Motion **carried 9-2 with Nelson and Tester voting no.**

SEN. TESTER was appointed to carry the bill.

EXECUTIVE ACTION ON HB 315

Doug Sternberg stated **SEN. HALLIGAN** suggested amendments which were not in written form.

SEN. HALLIGAN explained his suggested amendments to revise restitution penalties of the bill. He stated the bill may be able to be salvaged.

SEN. HOLDEN noted concern with the language "gross negligence".

Motion/Vote: **SEN. MCNUTT** moved that **HB 315 BE TABLED. Motion carried 7-4.**

ADJOURNMENT

Adjournment: 5:30 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags66aad)